

THE HONORABLE RONALD B. LEIGHTON

09-CV-05170-ORD

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JUN 19 2009	
CLERK U.S. DISTRICT COURT	
WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MT. HAWLEY INSURANCE COMPANY,  
an Illinois Corporation,

Plaintiff,

vs.

THE OLD SCHOOL PIZZERIA  
CORPORATION, a Washington Corporation,  
d/b/a KING SOLOMON'S REEF, and  
GEORGE WALSH,

Defendants.

NO. 3:09-cv-05170-RBL

ORDER AND JUDGMENT OF  
DEFAULT

THIS MATTER having been presented on plaintiff Mt. Hawley Insurance Company's Motion for Entry of Default Judgment, with plaintiff having appeared through its counsel of record, and defendant The Old School Pizzeria Corporation having failed to appear, and the Court having considered the files and records herein,

NOW, THEREFORE, the Court hereby finds as follows:

1. This Court has jurisdiction over the parties and subject matter of this action.
2. Plaintiff filed a complaint for declaratory judgment in this matter on March 27, 2009 to establish that a November 12, 2008 fire was not covered by Mt. Hawley Insurance Company because (1) at the time of the fire, the insurance contract had expired and had not been renewed

ORDER AND JUDGMENT OF DEFAULT  
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One Convention Place  
Suite 1400  
701 Pike Street  
Seattle, Washington 98101-3927  
(206) 292-9988

1 or otherwise extended and (2) the insurance contract contained a "Protective Safeguard"  
2 endorsement that excluded this type of loss.

3 3. The Old School Pizzeria Corporation was properly served with the complaint on  
4 April 15, 2009.

5 4. The Old School Pizzeria Corporation has not appeared, answered, or defended the  
6 action in any way.

7 Wherefore, on the basis of the foregoing, it is hereby

8 ORDERED, ADJUDGED AND DECREED:

9 1. Defendant The Old School Pizzeria Corporation is declared in default for failure to  
10 appear or defend this action.

11 2. Plaintiff Mt. Hawley Insurance Company is hereby awarded declaratory judgment  
12 that Mt. Hawley Insurance Company provided no coverage for the fire.

13 3. Mt. Hawley Insurance Company has no duty to make payment of any kind to The  
14 Old School Pizzeria Corporation with respect to any loss it may have incurred as a result of the  
15 fire with respect to the damaged premises, its personal property within, or loss of business  
16 income.

17 DATED this 19<sup>th</sup> day of June, 2009.

18   
19 \_\_\_\_\_  
20 UNITED STATES DISTRICT JUDGE  
21  
22  
23  
24  
25

1 Presented by:

2  
3 /s/ Christopher W. Tompkins

4 Christopher W. Tompkins, WSBA # 11686

5 Attorneys for Mt. Hawley Insurance Company

6 BETTS, PATTERSON & MINES, P.S.

7 701 Pike Street, Suite 1400

8 Seattle, Washington 98101

9 Phone: 206-292-9988

10 Facsimile: 206-343-7053

11 E-mail: ctompkins@bpmlaw.com

12 **Certificate of Service**

13 I hereby certify that on this 1st day of June 2009, the  
14 foregoing was electronically filed with the Clerk of the  
15 Court using the CM/ECF system, which will send  
16 notification of such filing to The Honorable Ronald B.  
Leighton

17 /s/Shane Kangas

18 Legal Assistant

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